

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Dorothea REILLY et al.

Allowed: January 28, 2009

Application No.: 10/697,995

Confirmation No.: 7395

Filed: October 30, 2003

Art Unit: 1644

For: METHODS AND COMPOSITIONS FOR
INCREASING ANTIBODY PRODUCTION

Examiner: Ilia I. Ouspenski, Ph.D.

**PETITION TO WITHDRAW APPLICATION FROM
ISSUE PURSUANT TO 37 CFR 1.313(c)(2)**

MS Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Madam:

Petitioner respectfully requests the Commissioner to consider this petition submitted under 37 CFR 1.313(c)(2), and hereby petition the Commissioner to withdraw the above-identified application from issue. The Issue Fee in this application was timely paid on April 28, 2009.

Please charge our Deposit Account No. 03-1952 in the amount of \$130.00 covering the fee set forth in 37 CFR 1.17(h).

Petitioner respectfully petitions that the above-identified application be withdrawn from issue in order to permit consideration of a submission under 37 CFR 1.114 (Request for Continued Examination (RCE), with an Information Disclosure Statement (IDS) filed with this RCE and petition.

The reference enclosed with the Information Disclosure Statement was cited in a supplemental European search report under Article 153(7) EPC, mailed on May 7, 2009 (also included in the IDS), for this application's corresponding national phase patent application at the European Patent Office (EPO), and therefore received by Applicants after the date the issue fee payment was submitted to the USPTO on April 28, 2009. Accordingly, Applicants respectfully request that under 37 CFR 1.114 this Information Disclosure Statement and the references cited therein be considered by the Examiner prior to issuance of this patent application.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-1952, under Order No. 146392005000.

If it is determined that a telephone conference would expedite the prosecution of this application, the Petition's Branch and the Examiner are invited to telephone Applicants' undersigned representative at the number given below.

Dated: May 21, 2009

Respectfully submitted,

By /Gregory P. Einhorn/
Gregory P. Einhorn
Registration No.: 38,440
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, California 92130-2040
(858) 720-5133 direct line
general office 858 720 5100
fax direct 858 523 5933
fax office 858 720 5125

email geinhorn@mofo.com